

Northampton Policing Review Commission

MEETING MINUTES

Tuesday, November 10, 2020

6PM - 9PM

Remote Meeting

To join the remote meeting:

- Video conference: <https://zoom.us/j/93400043322?pwd=dEFZT2VJR21LQnZoVWtuNUcvdXNXUT09>
- Or by telephone, call: 1-929-436-2866; Meeting ID: 934 0004 3322; Passcode: 970517

1. Call to Order - Dana Olivo called the meeting to order at 6:08 p.m.

- **Announcement of Zoom Recording**
- **Roll Call:**

The clerk, Annie Lesko, called the roll:

Lois Ahrens	present
Elizabeth Barajas-Roman	present
Booker Bush	arrived at 6:20 p.m.
Daniel Cannity (co-chair)	present
Nick Fleisher	present
David Hoose	present
Alex Jarrett	present
Carmen Lopez	absent
Javier Luengo-Garrido	present - departed at 7 p.m.
Dana Olivo (co-chair)	present
Carol Owen	present
Nnamdi Pole	absent - arrived at?
Michael Quinlan	present
Josey Rosales	present
Cynthia Suopis	present

- **Approval of meeting minutes**
 - i. **September 29, 2020**
 - ii. **October 6, 2020**
 - iii. **October 20, 2020**

Michael Quinlan moved to approve the minutes of September 29, 2020, October 6, 2020 and October 20, 2020, as written. Nick Fleisher seconded. The minutes were approved 12-0 by a roll call vote.

2. Introducing New Staff Assistant

Dana Olivo introduced the new staff assistant that was hired for the Policing Review Commission. Unfortunately Noa couldn't make it this evening due to a previous commitment. Dana noted Noa is a Hampshire College alu that has done a lot of community centered work in Philadelphia.

Dan Cannity stated that Noa is very invested in community work and has done work with centralizing marginalized voices and building communities. Dan pointed out that Noa also had administrative experience that the Commission will need. Going forward, members of the Commission can reach out to Noa.

Dan Cannity introduced the newest member of the Commission, Carol Owen, who is replacing the vacated seat of Larissa. Carol also took Larissa's seat on the Alternatives to Policing subcommittee.

Dana Olivo was hesitant to start public comment because it indicates 7 - 8 p.m. on the agenda. At 7 p.m., the Commission will loop back to public comment.

3. Budget for Private Council Follow-Up

Lois Ahrens noted that she originally proposed this topic in the event that the Commission will need someone to look at legal questions that might arise from the Commission's recommendations. Lois stated she doesn't know if the Commission will need it yet but if it does, it should be available if the time comes.

Dana Olivo read the below email from Mayor Narkewicz to the Commission:

"Thank you for your email. The City hires outside counsel to advise it on a variety of specialized cases or issues. Examples include labor lawyers for collective bargaining, environmental lawyers for pollution remediation issues, telecommunications lawyers for negotiating cable television contracts, and public construction lawyers for litigating defects in city building projects. Even our City Solicitor, Alan Seewald, is a private attorney with whom the city contracts for legal services. We do not have an in-house attorney who is a city employee working exclusively for Northampton in a municipal law department.

I mention all of this because typically we only contract for additional legal counsel when we have specific issues, questions, or cases that require specialized legal expertise or representation. The City Solicitor typically oversees this process of retaining outside counsel for issues beyond his scope in municipal law and it is paid for out of the city's overall legal budget.

Are there specific issues or questions that the Northampton Policing Review Commission needs legal advice or guidance on or that you anticipate needing in the future? The NPRC is an ad-hoc advisory commission established by the mayor and city council to study a set of issues and make recommendations to us on them. It's difficult for me to respond to your request that the city expend financial resources on outside legal counsel to assist with that process without understanding the specific purpose and need."

Lois Ahrens reiterated that there is no specific question at this point but there might be a request in the future. - not a specific request but might need it in the future.

Nick Fleisher understands the concern of possibly needing outside legal counsel but asked Lois if she is comfortable bringing up the topic in the future if the need arises.

Lois Ahrens didn't necessarily feel the need to address the issue right now. However, if there is a procedure of requesting outside counsel, she wants to make sure it remains a possibility.

Dan Cannity pointed out that the Commission just wanted to understand what the process was just in case there was a need for outside counsel in the event that there are department and city interests at stake. Dan concluded by saying the conversation has been had but as of right now there is no direct concern.

Javier Luengo-Garrido opined that he felt okay to move on from this conversation. However, from the email that was read, it's not clear to him whether or not a commission or a subcommittee can use outside legal counsel because the examples provided by the Mayor were examples of city departments using outside counsel.

Lois Ahrens agreed that it would be beneficial to get clarification from the Mayor on whether or not a commission can receive outside legal counsel.

Cynthia Suopis also concurred and noted that the last thing the Commission wants is to make a great recommendation only for a lawyer to read it and say it can't be done.

Alex Jarrett stated that his understanding of the email is that the city has contracts with various outside lawyers so if there is a legal question, the Mayor would try to get that answered, but if the Commission decides it wants a second opinion, that request would be honored.

Javier Luengo-Garrido stated that a legal question being asked should be the Commission's first opinion, not second opinion, for the same reason that the Commission is trying to reform - because of a historically white supremacist institution. Javier noted that the Commission wouldn't want to seek advice from legal counsel for the institution the Commission is trying to reform.

After a brief discussion, Dana Olivo offered to send an email to Mayor Narkewicz for clarification on his previous email.

Elizabeth Barajas-Roman stated she understands the hypothetical but is concerned that there aren't many meetings left before the Commission needs to submit a preliminary report. Elizabeth also pointed out that there everyone is here trying to solve a problem so the Commission needs to be able to work together with the city.

Javier Luengo-Garrido would like to know if hiring outside legal counsel is even an option. If not now, can it happen later?

4. Hearings -- When should they be, and what structure should they have.

Dan Cannity provided his thoughts on the public hearings and thought it would be beneficial to have at least one public hearing before submitting the preliminary report and if not, very soon thereafter so the Commission can receive feedback from the community. Dan stated that there is a large population that experiences the worst of policing and that same population has no access to the internet so he would like to find a physical space for the public hearing so that people can attend in person. Dan thought that Pulaski Park might be a possibility so that the venue is outside and people can be socially distanced. Dan concluded by saying that the requirement is at least three public hearings but the Commission can always hold more if it wanted to.

Cynthia Suopis pointed out that the live public hearing could be in violation of the Governor's gathering restriction.

Booker Bush opined that bringing marginalized voices into the conversation has been a difficult issue even pre-COVID. With the library being closed, individuals can't go to the library to access the internet so it will be very challenging to get people involved.

Javier Luengo-Garrido noted that in the Alternatives to Policing subcommittee meetings there have been discussions on how to communicate with marginalized communities and how to bring the community together.

Cynthia Suopis researched the Governor's gathering restrictions and noted that the Commission will most likely be in compliance with the restriction, as long as certain protocols are in place, because Northampton is a low-risk community.

Lois Ahrens stated that individuals who have a lot of interaction with the police are survivors of domestic and sexual violence and after hearing from a number of women at the police defunding

hearings, Lois learned that the interactions these women had with the police during those calls were very unsatisfactory. Lois noted that anonymity is important to these individuals.

Alex Jarrett echoed Lois' concerns about anonymity and also pointed out that individuals can always send in a recorded comment if they don't have access to the internet. Alex also suggested holding a public hearing during the day instead of all evening meetings so that individuals who can't attend in the evening, will still have a chance to be heard.

Dan Cannity pointed out that the public hearings are not the only ways for people to make a comment to have their voices be part of the record. Dan also noted that there are many ways that the Commission can accommodate anonymity such as creating an anonymous form for individuals to fill out, emails, recorded comments and voice comments. Dan pointed out that commission members can reach out different organizations to encourage people to share their goals about safety in the community.

Javier Luengo-Garrido pointed out that there are organizers in Northampton that are already working with and helping marginalized communities so that would be a good starting point.

Javier Luengo-Garrido left the meeting at 7 p.m.

At this time, the Commission took public comment.

5. Public Comment - 1 hour, 7-8pm

Richard Hendrick was present and quoted Albert Einstein, "The definition of insanity is doing the same thing over and over and expecting different results." Richard thinks the Commission would be well served by having independent counsel. Richard noted that at the June 3 and June 4 budget hearings, there were about 150 powerful voices who represent so many others so when the Commission discusses public hearings, it should reach out to those 150 people.

Jose Adastra of Northampton was present and stated he is an activist with at-risk communities and comes to meetings to advocate for individuals in Northampton that have been actively discriminated against and over policed. Jose stated that there has been endless public comment so now resolutions need to be passed for the cessation of over policing. Jose would like to see arrest records and policing history digitized and made accessible to the public. Jose would like people to stop listening to the people that the Mayor pays because the Mayor has laughed off every legitimate complaint he has received over the past few months from people of color. Jose concluded by saying the money that was cut from the police budget should not go back into the white supremacist structure (the mayor and his lawyers).

Tay was present and stated they spend a lot of their time working with unhoused people in Northampton, Amherst and Hadley with a group called Touch the Sky. Tay stated they have heard that

Commissions and even the City Council are willing to pay professionals to research the unhoused population and its situation. Tay noted that this is dangerous and violent and even happened with the Mayor's Panhandling Work Group. Tay asked if the Commission could avoid sending outside people into vulnerable communities to ask for information because it is taxing on people and most people don't want to speak for fear of losing access to social services and increased harassment by the police. Tay offered to compile a couple of stories from individuals in the unhoused communities to share instead of asking people to attend public comment. Tay concluded by saying there are basic needs that this community needs right now which is the water being turned back on in the park, warming centers, and the porta potties needs to be cleaned immediately.

Robert Nagle was present and provided comment that was inaudible to the Commission.

Patrick Waite was present and was disturbed to learn that the mask ordinance in Northampton is being enforced by favoritism and not enforced to protect the community. Patrick noted that protesters were being spit on only to hear that is a victimless crime in the midst of a global pandemic. Patrick asked the Commission to consider the best way to encourage community safety and search for solutions so that the department tasked to uphold these ordinances are acting in the best interest of Northampton.

Phone number 413-582-7081 was present for public comment but wasn't able to remove their microphone from mute.

6. Hearings -- When should they be, and what structure should they have. (CONTINUED...)

After public comment, the Commission came back to the topic of public hearings.

There was a brief discussion about the structure of the public hearing and how it will be different from public comment.

Dan Cannity pointed out that public hearings allow for a little bit of two way communication by responding to individuals and asking questions of individuals. It is also a space that is entirely dedicated to public comment.

Booker Bush opined about being uncomfortable allowing people to speak past three minutes and having a dialogue with the commenter.

Lois Ahrens would like to hear individual experiences with the police and how people envision personal safety and also community safety.

David Hoose would like to reach out to other communities that have undertaken the process of police reform. David volunteered to reach out to other communities for his subcommittee and he found that

everyone all across America is tackling these issues. David would like to have someone from another community attend a meeting so the Commission can ask questions about the operation.

Booker Bush pointed out that the Human Rights Commission (HRC) tried to obtain information from vulnerable communities in Northampton to gauge what they felt were human rights issues that are affecting them. Booker noted that the HRC held different meetings in different wards of the city and the turnout was disappointing with never more than 5 or 6 individuals attending the meetings. In Booker's experience, it is extremely difficult to bring diverse opinions to the conversation. Booker stated that his community health practice in Springfield polls his patients to learn what their biggest concerns are and the police are not much of a concern and they feel protected for the most part, which surprised him.

Cynthia Suopis shared her experience being on the Board of Health (BOH) and noted that any public hearings she was involved in were 100% conducted in reaction to something specific. For example, there is a terrible problem with kids vaping in schools and during class so the BOH invited every retail establishment that sells vaping products and also invited advocate groups to public hearings to hear from everyone about the specified topic.

Dan Cannity suggested a few possibilities, 1. The Commission can hold a public hearing prior to the first draft report coming out that can include a few prompts to inform people what the Commission is interested in doing or 2. Holding a public hearing after the first draft comes out so that individuals can read it and attend the public hearing to let the Commission know what they think.

Nick Fleisher pointed out that the City of Cambridge has some well developed policing programs with a strong component of reaching out to various parts of the community including a trauma component. Nick noted that the Commission is required to have three public hearings and he believes it would make sense to hold a hearing before the first draft comes out and even though there may be little attendance because there is nothing for anyone to respond to, the Commission can encourage attendance and reach out to various constituent groups to encourage participation at the next hearing.

Carol Owen stated that one of the things that successfully gets people into the conversation is to invite advocacy organizations and groups for vulnerable populations. Carol believes that individuals from other communities discussing their programs should be part of full Commission meetings and not part of public hearings.

Booker Bush opined that needing lawyers is totally hypothetical and if the Commission sits in a hypothetical space it is going to get frustrated because it can't decide how to move forward. Booker suggested having each subcommittee set out proposals to the public and during the public hearing individuals can let the subcommittees know what they think.

Dan Cannity noted that the Spending and Contracts subcommittee still hasn't received any of the documents it had requested. However, Dan asked if other subcommittees felt like it could provide a report for feedback.

Elizabeth Barajas-Roman stated that the draft report date is looming in her head and if the dates are set for the public hearing could be milestones and puts some fire under the effort to have a product that people can react to in order to move some recommendations forward.

Alex Jarrett stated that the draft report due in December is a preliminary report and even if it's just a list of items that will be researched, it's getting all of the ideas out there.

Michael Quinlan noted that the December report is just a progress report so the Commission shouldn't be too worried about having concrete proposals written.

Cynthia Suopis is nervous that the subcommittees are operating on their own when each subcommittee feeds into each other.

Nick Fleisher would like to know what the vision is for each subcommittee so everyone understands what kind of changes the Commission is seeking.

In the interest of time, Booker Bush suggested moving to Subcommittee Report Backs so that the Commission can understand what all of the subcommittees are focusing on.

7. Subcommittee - Report Back

Dan Cannity read the list of questions that the Spending and Contracts subcommittee sent to the police department.

The clerk, Annie Lesko, provided the Commission with an update on the request for documents. The Police Chief responded to the request with the following, "I am continuing to work on this request. It is extensive. I am planning to have responsive documents by the end of this week or early next week."

Booker Bush, co-chair of the Alternatives to Policing subcommittee reported that the group generated a list of alternatives to policing and chose to first focus on different ways to approach police response to mental health related issues. Booker noted that there is literature on different types of programs but the level of success is not clear. However, Booker noted that fewer arrests occur when a mental health professional is involved as opposed to just a police officer and people and police officers are happier when a mental health professional is involved. Booker noted that at the next meeting the subcommittee might need to pay more attention to peer or community lead programs where police have no involvement in calls having to do with mental health. Booker noted that other topics are to look at the

impact of housing or lack of housing in terms of what police are being asked to do and domestic violence response. Booker pointed out that the police department's website notes it works with Safe Passage on domestic violence related issues so Booker would like to see budgetary information related to that.

Dana Olivo added that there are other topics the subcommittee will be looking at which are the unhoused population, substance abuse, domestic and sexual violence, armed or unarmed officers, etc.

Alex Jarrett added additional topics that will be discussed such as traffic enforcement and alternative ways to accomplish that, restorative justice, and increasing opportunities for employment as a way of reducing crime.

Nick Fleisher, of the Policing Policies and Services subcommittee, reported that the subcommittee has reviewed the policy and procedure manual, three years worth of police logs and policies and procedures. The subcommittee was struck by a couple of things: 1. While the policies and procedures are extensive and thorough, there were questions about a way a number of policies were written because they weren't necessarily community oriented; 2. The police log was remarkably mundane in that there is little crime in Northampton. Nick noted that a majority of calls were for property searches which left the subcommittee with questions on how police officers spend their time doing what kind of activities. Nick noted that the subcommittee decided to put together a focused list of questions in the hopes of speaking directly with the police to hear their perspective and see how they feel about some of the topics the subcommittee will focus on.

Cynthia Suopis pointed out that she had reservations about bringing in someone from the police department.

Nnamdi Pole stated that after going through the police department's website, which is very well documented, he questioned whether that is what the police department wants the public to see. Nnamdi pointed out that the police logs are unremarkable but that the commission should also look at the rare occasion that the police act as a benefit to the community.

Booker Bush would like to receive more information about how many of the phone calls that the police department gets are mental health related calls. Booker also noted that the Alternatives to Policing subcommittee wanted to invite someone from the police department in to hear their narrative.

Elizabeth Barajas-Roman noted there are perfectly well written policies but after looking at the information Elizabeth would like to know more about what police officers are responding to and what police officers are doing on their own. Elizabeth would like to know what are the measures of engagement when it comes to a suspicious person because when you look at the data together, there are patterns that emerge and those patterns are troubling. Elizabeth pointed out that there are people behind the badges and the way these individuals behave is something that everyone has seen whether it

be intentional or unintentional bias. Elizabeth doesn't feel like it is the Commission's charge to learn how police officers are feeling but instead to address the concerns that citizens have called for.

Lois Ahrens wonders how police go out on calls whether or not there is a fire truck, how many officers are accompanying them, etc.

Carol Owen would like to know what the understanding is behind looking at suspicious persons.

Elizabeth Barajas-Roman noted that behind the police logs are incident reports so it would be good to look at the details for suspicious person reports i.e., how are these individuals approached and what is the protocol? Elizabeth pointed out there is a field training manual but didn't see anything in it on how to address suspicious persons. Elizabeth also pointed out that the Commission can request dispatch transcripts to see how these suspicious persons are being talked about which will provide irrefutable data for the Commission to review.

Nick Fleisher stated that a suspicious person is a term that individuals use when they call and say, "there is someone in the community and I don't know who they are." Nick noted it would be beneficial to learn how the police are trained to intervene and interact with people like this. Nick concluded by saying there are good training materials that are available.

Elizabeth Barajas-Roman pointed out that the police logs indicate whether the stop is based on a call or if it is officer initiated.

8. Hearings -- When should they be, and what structure should they have. (CONTINUED...)

After hearing from the subcommittees, the Commission moved back to discuss public hearings.

Alex Jarrett asked how individuals felt about having the first public hearing in December, before the preliminary report.

Nnamdi Pole opined that public hearings could lead the Commission astray so he cautioned the Commission not to get too bogged down with public hearings.

Nick Fleisher suggested holding the public hearing the week after Thanksgiving.

David Hoose moved to hold a public hearing on Tuesday, December 1, from 6 p.m. - 8:30 p.m. Booker Bush seconded. The motion passed unanimously 13-0 by a roll call vote.

9. Accessibility (Booker) - presentation

Booker Bush stated he has a powerpoint about accessibility and will email it to the full Commission for review. Booker suggested making a proposal to have translation services available for the public hearings. Booker would like to see a channel that is translating into spanish so if someone is a spanish speaker, they can be on that channel where they heard everything translated into Spanish. Booker noted that a three hour meeting using UMass translation services would be about \$180, minimum.

Michael Quinlan pointed out that the Pioneer Valley Workers Center provided translation services for the Charter Review Committee and offered to reach out to his contact. Michael also noted it would be beneficial to submit a proposal to the Mayor to ask the City Council to approve funds for this service.

Booker Bush suggested using UMass translation services because they pay fair wages however he can probably get better pricing from other agencies.

Alex Jarrett moved to move forward on getting interpreting services for the Tuesday, December 1, meeting in Spanish. Dana Olivo seconded. The motion passed unanimously 13-0.

Booker Bush will work with Annie Lesko of the Mayor's Office to work on submitting a proposal to Mayor Narkewicz.

The clerk, Annie Lesko, offered to send out a flyer for the public hearing to the city's Facebook page, Twitter page, and website.

After a brief discussion about logistics for the public hearing, the time that was decided on was 6:30 - 8:30 p.m. with initial reports from the subcommittee and then public comment until the end.

10. New Business

Michael Quinlan suggested moving the subcommittee reports to the beginning of the agenda for next meeting.

To the next agenda, Booker Bush requested a discussion about inviting someone from the police department to speak with the Commission.

11. Adjourn

Alex Jarrett moved to adjourn the meeting at 9:14 p.m. Nick Fleisher seconded. The motion to adjourn passed unanimously 12-0.